

## **Nebraska Commission on Law Enforcement and Criminal Justice July 30, 2004**

The Nebraska Commission on Law Enforcement and Criminal Justice met Friday, July 30, 2004, at 9:30 a.m., in lower level conference room A of the Nebraska State Office Building, Lincoln, Nebraska. Legal notice of the meeting was published June 28, 2004 in the Lincoln Journal Star.

### **CALL TO ORDER**

The meeting was called to order at 9:50 a.m. by Matthew McNair who represented Attorney General Jon Bruning and served as chair. The following members were **in attendance**: Charles Brewster, Matthew McNair for Jon Bruning, William Brueggemann, Scot Ford, Gary Lacey, Paul Leseberg, Tom Nesbitt, Peter Pirsch, James Riskowski, and William White. **Members excused**: Scott Arnold, John Becker, Harold Clarke, Susan Jacobs, Kathy Moore, Don Overman, and Thomas Warren. **Staff members present**: Allen Curtis, Steve Lamken, Nancy Steeves, Michael Overton, Matthew Dicke, Jennifer Tomrdle, and Barbara McCreight. **Also present**: JoAnna Svoboda, Lincoln Victim/Witness Unit and Joanie Brugger of the Madison County Victim Assistance Unit.

### **APPROVAL OF MINUTES**

#### *Motion*

*A motion was made by Nesbitt and seconded by Brewster to approve the minutes of the Crime Commission meeting of May 7, 2004; Police Standards Advisory Council meetings of April 21 and June 16, 2004; Criminal Justice Information Systems Advisory Committee meeting of June 3, 2004; Grant Review Committee meeting of July 9, 2004; and Nebraska Coalition for Juvenile Justice meeting of June 11, 2004. The motion passed unanimously by acclamation.*

The minutes of the Jail Standards Board meeting of April 15, 2004 and the Community Corrections Council meetings of April 23<sup>rd</sup>, May 14<sup>th</sup> and June 11, 2004 were provided to members.

### **EXECUTIVE DIRECTOR'S REPORT**

Allen Curtis presented the director's report.

T Matthew Dicke was introduced to the Commission. He serves as the IT support person for the Crime Commission office.

- T The preliminary 2003 report on Crime in Nebraska as distributed to members. The report shows that Nebraska experienced a 5% decrease in the number of crimes reported to law enforcement agencies during 2003.
- T A budget meeting is scheduled for August 16<sup>th</sup>. The Commission will seek funding support to allow for federally required audits of criminal history records; to provide an additional staff person for the Jail Standards Division; to provide \$200,000 for the VINE program to replace the VOCA grant funds; to recover the \$200,000 cut from the Crime Victims Reparation program; and to support CJIS activities. The Training Center will seek funds for an additional IT support person; and for a line item amount to allow for the replacement of software/hardware. They will also seek funds for the instructor position currently provided through Byrne grant funds. The grant for this position has run out and alternate funding will need to be identified.
- T The Commission must submit its legislative requests to the Governor's Policy Research Office by August 9<sup>th</sup>. The Commission will again pursue automatic decertification of law enforcement officers convicted of felony charges. In addition, attempts will be made to retain the LEIF funding that is due to expire in January, 2007.
- T The Grant Review Committee has an opening for one more member. Those interested in serving on this committee were asked to contact Curtis.
- T The Racial Profiling Advisory Committee held its first meeting to discuss their purpose and role. Members have been invited to attend a PERF conference in Kansas City to learn how other states measure traffic stop data.

In an answer to a question by Riskowski, Lamken stated \$25,000 remains available to finish the groundwork and landscaping at the Training Center. Wet weather has delayed the project.

Lamken also reported that work continues on the movement to a tuition based training program. The goal is to create a pool of trained candidates. In order to attract persons to the training, the cost of tuition will need to be around \$3,000. Currently, the actual cost of training is approximately \$5,000.

Lamken stated that Rick Barnica continues to develop contacts with the military, workforce development, higher education institutions, high school advisors, and students. He has attended job fairs and career day activities to sell the tuition based training program.

The withdrawal of the LEIF on January, 2007 is not a realistic timeline. The program will need to evolve which could take 5-6 years.

Curtis stated that the proposed legislative changes to the decertification procedures would make less work for the Crime Commission and Attorney General's staff.

## **OLD BUSINESS**

### **Update on Stephen Hauser Case**

Curtis stated the Commission is waiting for a decision to be rendered by the Supreme Court.

## **NEW BUSINESS**

### **Training Center - Instructor Certification/Recertification**

Steve Lamken presented PSAC's recommendations on 1 request for general instructor certification, 2 requests for professional instructor certification, and 12 requests for professional instructor recertification. He noted PSAC determined that the individuals met the qualifications for the perspective certifications with the exception of the areas listed for Gregory Goltz, Nebraska State Patrol, and Kelly Williamson, Lincoln Police Department.

#### ***Motion***

*A motion was made by Brewster and seconded by White to grant instructor certification per PSAC's recommendations as follows: Professional Recertification to Rodney Getting, Nebraska State Patrol; Gregory Goltz, Nebraska State Patrol (Denied area 106); Paul Hattan, Nebraska State Patrol; Jason Halouska, Nebraska State Patrol; Michael Kerby, Nebraska State Patrol; Julie Maaske, Nebraska State Patrol; Kyle Otte, Nebraska State Patrol; Jolene Palmer, Nebraska State Patrol, Tom Prevo, Nebraska State Patrol; Thomas Reinhart, Nebraska State Patrol; Grant F. Richards, Lincoln Police Department; Thomas Schwarten, Nebraska State Patrol; Professional Certification to William Koepke, Lincoln Police Department; and Kelly R. Williamson, Lincoln Police Department (Denied area 309); and General Certification to Mariana Watrel, Nebraska State Patrol. Voting in favor of the motion: Brewster, Brueggemann, Ford, Lacey, Leseberg, Nesbitt, Pirsch, Riskowski and White. Motion carried unanimously.*

### **Award \$ 1,305,792 in 2003 Juvenile Accountability Incentive Block Grant Funds (JAIBG)**

Steeves reported that the 2003 Juvenile Accountability Incentive block grant program had \$1,305,792 available. Twenty-eight cities or counties qualified for predetermined awards which were based on their population and crime rate. The remainder of the award was for the state to distribute to those areas which did not receive predetermined awards. Some communities did not apply for their predetermined awards so those funds were added to the state distribution. The recommendation was to direct the state distributed funds to Nebraska's Health and Human Services department to provide trackers, mediation, school intervention workers, electronic monitoring and drug and alcohol testing. Steeves noted next year's award will go down from \$1.4 million to \$465,600.

***Motion***

***A motion was made by Nesbitt and seconded by Brewster to accept the following funding recommendations and contingency stipulations of award as outlined by the Coalition for Juvenile Justice for the \$ 1,305,792 in 2003 Juvenile Accountability Block Grant Funds.***

***\$ 33,353 to grant #03-JA-600, Hall County, "Juvenile Accountability Intake Officer";  
19,712 to grant #03-JA-601, Scotts Bluff County Board of Commissioners, "Probation Tracker";  
450,936 to grant #03-JA-602, City of Omaha, "Juvenile Accountability Block Grant Phase VI";  
18,084 to grant #03-JA-603, Madison County Attorney, "Juvenile Accountability Officer";  
517,713 to grant #03-JA-604, NE Health & Human Services, "State of NE Juvenile Accountability Plan";  
6,279 to grant #03-JA-605, Beatrice Police Department, "Juvenile Diversion/Early Intervention Program";  
21,751 to grant #03-JA-606, Buffalo County, "Buffalo County Truancy Program";  
43,704 to grant #03-JA-607, Sarpy County, "Juvenile Drug Treatment Court";  
5,373 to grant #03-JA-608, Dakota County Commissioners, "Juvenile Accountability"; and  
188,887 to grant #03-JA-609, Lancaster County, "Alternatives with Accountability".***

***Voting in favor of the motion: Brewster, Brueggemann, Ford, Lacey, Leseberg, Nesbitt, Pirsch, Riskowski and White. Motion carried unanimously.***

**Award \$ 2,378,631.84 in 2004 Victims of Crime Act (VOCA) Grant Funds -**

Jennifer Tomrdle reviewed the breakdown of the \$2,378,631.84 available in Victims of Crime Act grant funds. Forty-two grant applications were received requesting \$2,791,091.50. Members were given a geographic breakdown of the recommended awards. Tomrdle noted the summary/comment sheets recorded the Grant Review Committee's comments and recommendations.

Tomrdle reported that 4 applications were recommended for denial based on the lack of sufficient funds to provide for new programs. These applicants were provided an opportunity to appeal the committee's decision but no appeals were received.

Nesbitt questioned whether grant reports were being received from the Omaha YWCA. He expressed concern that late reporting could affect the availability of federal funds which would jeopardizing other grant programs.

Steeves stated reporting has been a problem in the past with the Omaha YWCA. Staff will meet with them to work on this issue.

## Motion

*A motion was made by Nesbitt and seconded by Ford to accept the following funding recommendations and contingency stipulations of award as outlined by the Grant Review Committee for the \$ 2,378,631.84 in 2004 Victims of Crime Act (VOCA) Grant Funds.*

**To AWARD:**

*\$ 90,750.00 to grant #04-VA-200, Sarpy County Victim/Witness Unit, "Sarpy County Victim Assistance" (Papillion);*  
*20,558.00 to grant #04-VA-201, Lincoln/Lancaster County Child Advocacy Center, "Child Advocacy Center";*  
*32,863.84 to grant #04-VA-202, Scotts Bluff County, "Scotts Bluff County Victim/Witness Unit";*  
*365,770.00 to grant #04-VA-203/240, City of Omaha/Douglas County Attorney, "Douglas County Victim Witness Unit";*  
*29,550.00 to grant #04-VA-204, Dawson County Attorney, "Dawson County Victim/Witness Assistance Unit";*  
*31,520.00 to grant #04-VA-205, Madison County Attorney, "Madison County Attorney's Victim/Witness Unit";*  
*51,000.00 to grant #04-VA-206, Heartland Family Service, "Heartland Family Service Domestic Abuse Program" (Bellevue);*  
*24,000.00 to grant #04-VA-207, SCIP, "Volunteer Outreach Project" (Ogallala);*  
*86,502.00 to grant #04-VA-208, Crisis Center, Inc., "Sexual Assault Domestic Violence Services" (Grand Island);*  
*55,500.00 to grant #04-VA-209, Kearney Police Department, "Crime Victim Assistance Program";*  
*57,000.00 to grant #04-VA-210, Parent Child Center, "Continuation of Direct Services" (Lexington);*  
*37,000.00 to grant #04-VA-211, Lincoln County Attorney's Victim/Witness Unit, "Lincoln County Attorney's Office Victim/Witness Unit" (North Platte);*  
*33,980.00 to grant #04-VA-212, Beatrice Police, "Victim Assistance Program";*  
*38,800.00 to grant #04-VA-213, Crisis Center for Domestic Abuse/ Sexual Assault, "Rural Outreach Program" (Fremont);*  
*54,000.00 to grant #04-VA-214, Project Response, "Domestic Violence and Sexual Assault Program" (Auburn);*  
*132,867.00 to grant #04-VA-215 /900, Lincoln Police Department, "Victim Witness Unit";*  
*212,000.00 to grant #04-VA-217, NE Crime Commission, "VINE Operations V";*  
*33,880.00 to grant #04-VA-218, South Sioux City Police Department, "Dakota County Victim Assistance Program";*  
*22,255.00 to grant #04-VA-219, City of David City, "Butler/Polk County Victim Assistance";*  
*40,500.00 to grant #04-VA-220, Domestic Abuse/Sexual Assault Services, "Domestic Abuse/Sexual Assault Services" (McCook);*  
*10,300.00 to grant #04-VA-222, Dodge County, "Dodge County Victim Services" (Fremont);*  
*47,000.00 to grant #04-VA-223, The SAFE Center, "Advocates for Victims of Domestic Violence*

*& Sexual Assault” (Kearney);*  
*34,965.00 to grant #04-VA-224, Platte County Attorney, “Platte County Attorney’s Victim Assistance Unit” (Columbus);*  
*45,000.00 to grant #04-VA-225, DOVES, “Scotts Bluff County Domestic Violence Task Force” (Gering);*  
*36,300.00 to grant #04-VA-226, Family Rescue Services, “Family Rescue Services Against Domestic Violence/Sexual Assault” (Chadron);*  
*40,200.00 to grant #04-VA-227, Haven House Family Services Center, “Continuation of Victim Services” (Wayne);*  
*30,000.00 to grant #04-VA-228, Adams County Attorney, “Adams County Attorney Victim/Witness Unit” (Hastings);*  
*23,000.00 to grant #04-VA-229, Cedars Youth Services, “Cedars Family Violence Services” (Lincoln);*  
*48,700.00 to grant #04-VA-230, Spouse Abuse/Sexual Assault Crisis Center, “SASA Advocacy Project (SASA)” (Hastings);*  
*5,000.00 to grant #04-VA-231, NE CASA Association, “CASA Volunteer Training” (Lincoln)*  
*58,900.00 to grant #04-VA-232, Rape/Domestic Abuse Program, “Rape/Domestic Abuse Program of North Platte, Inc.;*  
*91,000.00 to grant #04-VA-234, Blue Valley Community Action Partnership, “Victim & Family Support” (Fairbury);*  
*77,000.00 to grant #04-VA-235, Rape/Spouse Abuse Crisis Center, “Domestic Violence & Sexual Assault Victim Advocacy Program” (Lincoln);*  
*129,131.00 to grant #04-VA-236, YWCA Omaha, “YWCA Omaha Women Against Violence Crime Intervention & Support Services for Crime Victims”;*  
*29,900.00 to grant #04-VA-237, Catholic Charities/Omaha, “The Shelter/Family Passages Child Abuse Victim Assistance” (Omaha);*  
*66,200.00 to grant #04-VA-238, Bright Horizons, “Domestic & Sexual Violence Victim Assistance Program” (Norfolk);*  
*87,740.00 to grant #04-VA-239, Friendship Home, “Friendship Home Domestic Violence Shelter” (Lincoln);*  
*38,000.00 to grant #04-VA-240, Center for Sexual Assault & Domestic Violence, “Victim Service & Outreach Project” (Columbus);*  
*30,000.00 to grant #04-VA-242, City of Grand Island, “Grand Island-Hall County Victim Assistance Program”;*

*And to DENY:*

*grant #04-VA-216, Seward County, “Seward County Advocacy for Victims of Crime” (Seward)*  
*grant #04-VA-221, Box Butte County Attorney, “Box Butte County Attorneys Victim Rights Unit” (Alliance);*  
*grant #04-VA-233, Wayne County Attorney, “Wayne County Attorneys Victim/Witness Unit” (Wayne)*  
*grant #04-VA-241, Ponca Tribe of NE, “Ponca Tribe Domestic Violence Program”.*

***Voting in favor of the motion: Brewster, Brueggemann, Ford, Lacey, Leseberg, Nesbitt, Pirsch, Riskowski and White. Motion carried unanimously.***

### **Award \$ 3,600,535 in 2004 Edward Byrne Memorial State and Local Law Enforcement Grant Funds**

Steeves reported \$3,600,535 was available in Edward Byrne Memorial State and Local Law Enforcement grant funds. Of this total about 3% is set aside for administrative costs and 5% (\$181,047) is mandated for the improvements of criminal records. Local projects are to receive 62.12% of the funds with the remainder going to state projects. Steeves noted continuation funding by the federal government is still uncertain.

The Grant Review Committee funding recommendations were reviewed. The application by Lancaster County for an adult drug court was not recommended for award. This decision was based on the lack of sufficient funds and on the information that Lancaster County had received another grant award of \$300,000 for this project.

Riskowski questioned if Douglas County was on NCJIS. Overton reported on the gains attained in this area. This included an RFP issued by the county for mug shots that are required to interface to NCJIS; receipt of jail data, receipt of protection orders, and working on obtaining warrants. Douglas County District Court is the only district court not using JUSTICE. It was noted Douglas County is moving in the right direction.

#### **Motion**

***A motion was made by Riskowski and seconded by Brueggemann to accept the following funding recommendations and contingency stipulations of award as outlined by the Grant Review Committee for the \$ 3,600,535 in 2004 Edward Byrne Memorial State and Local Law Enforcement Grant Funds.***

#### **5% Set Aside Funds**

***\$ 100,00 to grant #04-DA-300, NE State Patrol, "AFIS Enhancement Project IV"; and 81,047 to grant #04-DA-307, NE Crime Commission, "CJIS Support and Operations"***

#### **State Projects**

***\$ 173,394 to grant #04-DA-304, NE Attorney General, "Drug & Violent Crime Unit"; 15,750 to grant #04-DA-310, 4<sup>th</sup> Judicial District Court, "Drug Court Pre-Screening Demonstration Plan";***

***70,825 to grant #04-DA-312, NE Crime Commission, "Drug Enforcement and Violent Crime Activity Training";***

*127,938 to grant #04-DA-313, NE Department of Correctional Services, "Drug Interdiction Project";*  
*118,659 to grant #04-DA-317, NE State Patrol, "Sex Offender Registry IV";*  
*92,077 to grant #04-DA-318, NE State Patrol, "NE Crime Analysis Program"; and*  
*611,702 to grant #04-DA-319, NE State Patrol, "MULE - Mid & Upper Level Enforcement Program X"; and*

**Local Projects**

*\$ 281,340.00 to grant #04-DA-301, Dawson County Sheriffs Office, "CODE Central NE Cooperative Operation for Drug Enforcement";*  
*252,340.00 to grant #04-DA-302, Scotts Bluff County Sheriffs Office, "WING - Western NE Intelligence & Narcotics Group";*  
*629,000.00 to grant #04-DA-303, City of Omaha, "METRO Drug Task Force";*  
*136,950.00 to grant #04-DA-305, City of David City, "RAP - Rural Apprehension Program";*  
*391,240.00 to grant #04-DA-306, City of Lincoln Police Department, "Lincoln/Lancaster County Investigative Narcotics Cooperative";*  
*134,340.00 to grant #04-DA-308, City of Fremont, "III Corps Drug Task Force";*  
*21,900.00 to grant #04-DA-311, Hall County, "Central NE Drug Court";*  
*91,900.00 to grant #04-DA-314, City of Beatrice, "SEADE - Southeast Area Drug Enforcement Task Force";*  
*61,000.00 to grant #04-DA-315, City of Minden, "CANDO - Compact for Apprehension of Narcotics Dealers and Offenders";*  
*68,530.00 to grant #04-DA-316, City of Norfolk Police Department, "SNARE - Specialized Narcotics Abuse Reduction Effort"; and*

***And to DENY:***

***Grant #04-DA-309, Lancaster County, "Lancaster County Adult Drug Court".***

***Voting in favor of the motion: Brewster, Brueggemann, Ford, Lacey, Leseberg, Nesbitt, Pirsch, Riskowski and White. Motion carried unanimously.***

**Award \$ 140,603 in 2004 Edward Byrne Memorial Grant Funds to Grant #04-DA-320, Nebraska Crime Commission, "NCJIS Enhancements"**

Curtis noted \$140,603 in 2004 Edward Byrne grant funds remained available under state projects. He noted the Public Advocacy Commission did not request funds this year and the State Patrol requested less than last year. The Commission was asked to consider the following options for use of these funds:

1. Hold the money back for award next year. He noted although it appears there will be an award of drug funds next year, the funds have not yet been appropriated;
2. Divide the funds equally among the other state programs. This would provide a little bit



- extra money to the projects but could not be sustained for another year;
3. Award the funds to the Crime Commission for NCJIS enhancements that would benefit local and state agencies. The funds could be used to work with Health and Human Services (HHS) on the sharing of juvenile data between HHS protective services and law enforcement. Once the plan is developed, these funds could be used to fund programs; or
4. Table a decision on the use of the remaining funds until the next meeting.

Lacey noted there is a significant shortcoming in the police department's ability to access a child's history, especially on weekends and evenings.

#### ***Motion***

*A motion was made by Riskowski and seconded by White to award \$140,603 in 2004 Edward Byrne Memorial Grant Funds to Grant #04-DA-320, Nebraska Crime Commission, "NCJIS Enhancements" as outlined. Voting in favor of the motion: Brewster, Brueggemann, Ford, Lacey, Leseberg, Nesbitt, Pirsch, Riskowski, and White. Motion passed unanimously.*

#### **Approve Reduced Awards of 2004 Juvenile Services Grant Funds**

Chairman McNair stated following the May Commission meeting, it was determined that only \$587,812 in Juvenile Services grant funds was available for award, not the \$593,750 which was awarded. The Commission was asked to approve a reduction in the awards for these Juvenile Services grant programs.

#### ***Motion***

*A motion was made by Nesbitt and seconded by Riskowski to approve the following reduced awards for the 2004 Juvenile Services grant programs:*

- \$ 33,412 to grant #04-JS-402, Blue Valley Community Action (BVCA) Partnership, "Jefferson County Juvenile Justice Council Juvenile Services" (Fairbury);*  
*16,145 to grant #04-JS-403, Active Community Team of Saunders County, "Juvenile Mentoring" (Wahoo);*  
*20,349 to grant #04-JS-405, Seward County Bridges, "Seward County After School Clubs and Mentoring" (Seward);*  
*40,095 to grant #04-JS-406, Sidney Public Schools, "Youth as Resources/Support Through Intervention" (Sidney);*  
*26,174 to grant #04-JS-407, Camp Fire USA Midlands Council, "Action Pact South" (Omaha);*  
*37,053 to grant #04-JS-408, YWCA of Adams County, "After School Zone" (Hastings);*  
*19,800 to grant #04-JS-410, Sherman County, "Youth Prevention and Diversion" (Loup City)*  
*49,500 to grant #04-JS-413, Cedars Youth Services, "Central NE Wraparound" (Lincoln);*  
*21,780 to grant #04-JS-419, Ord School District #5, "Ord After School Program" (Ord);*  
*30,690 to grant #04-JS-423, Lancaster County, "Community Intervention Team -CIT" (Lincoln);*  
*25,987 to grant #04-JS-424, Lancaster County "Project SEEK" (Lincoln);*  
*19,008 to grant #04-JS-428, Lancaster County, "Minority Outreach Diversion" (Lincoln);*

*61,823 to grant #04-JS-429, Lancaster County, "Youth Excelling in School" (Lincoln);  
46,530 to grant #04-JS-431, Lutheran Family Services, "Sexually Aggressive Children Program"  
(Omaha);  
44,550 to grant #04-JS-432, Lutheran Family Services, "Four County Mentoring" (Lincoln);  
30,195 to grant #04-JS-433, Otoe County, "Otoe County Stars Project" (Nebraska City);  
30,690 to grant #04-JS-434, Cuming County, "Juvenile Diversion Coordinator" (West Point);  
34,031 to grant #04-JS-435, Omaha Fire Department, "Juvenile Fire Setter Diversion" (Omaha).*

*Voting in favor of the motion: Brewster, Brueggemann, Ford, Lacey, Leseberg, Nesbitt, Pirsch, Riskowski and White. Motion carried unanimously.*

### **Award of Project Safe Neighborhood Grant Funds**

Steeves reported that representatives from prosecution, law enforcement, the U.S. Attorneys office, and the Crime Commission recommended that the 2004 supplemental award of Project Safe Neighborhood funds be awarded as follows:

- City of Omaha - to provide for the salary of a part-time coordinator for 2 years, specialized enforcement operations, followup investigations, transportation costs, and the costs of overtime for corrections and parole/probation.
- City of Lincoln - to provide overtime for specialized operations that target violent criminal activities, especially targeting firearms.
- Douglas County Attorney - add a prosecutor to focus on PSN cases.

#### ***Motion***

*A motion was made by Riskowski and seconded by Leseberg to award \$ 285,753 in Project Safe Neighborhood grant funds as follows:*

*\$200,731 to grant #04-SN-8904, City of Omaha;  
45,022 to grant #04-SN-8905, City of Lincoln; and  
40,000 to grant #04-SN-8906, Douglas County Attorneys Office.*

*Voting in favor of the motion: Brewster, Brueggemann, Ford, Lacey, Leseberg, Nesbitt, Pirsch, Riskowski and White. Motion carried unanimously.*

### **OTHER BUSINESS**

Curtis noted the importance of awarding the grant funds at this meeting and thanked the members for their attendance.

Lacey suggested that the Commission incorporate a visit to the Lincoln Advocacy Center

into the agenda of the next meeting. Curtis stated staff would work towards this goal.

## **ADJOURNMENT**

There being no further business, the meeting adjourned at 10:40 a.m. The next regularly scheduled meeting of the Crime Commission is **Friday, October 29, 2004**.

Respectfully submitted,

Barbara McCreight  
Administrative Assistant